

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH W. ASHFORD,
Plaintiff

v.

LT. FRANCISCO, et al.,
Defendants

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No. 1:19-cv-1365

(Judge Kane)

ORDER

AND NOW, on this 26th day of September 2019, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion to amend (Doc. No. 12) is **GRANTED**, and the Court **DEEMS** his motion to be his amended complaint. Plaintiff's amended complaint (Doc. No. 12) is **DEEMED FILED**;
2. The amended complaint (Doc. No. 12) is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and without leave to amend because any further amendment would be futile. See Shane v. Fauver, 213 F.3d 113, 115 (3d Cir. 2000); and
3. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania